

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JENNIFER RIVERA

Plaintiff,

-against-

DR. ERIC ENRIQUEZ,

Defendant.

CASE NO.
07-CV-6134
(KMK) (MDF)

ANSWER

C O U N S E L O R S :

COMES NOW the defendant, DR. STEPHEN ERIC ENRIQUEZ, i/s/h as DR. ERIC ENRIQUEZ and for his answer to the plaintiff's complaint, alleges and states as follows:

ANSWERING THE CAUSES OF ACTION

1. Denies each and every allegation contained in paragraphs numbered "3", "6", "7", "8", "9", "10", "11", "12", "13", "14", "16", "17", "18", and "19" of the Complaint, and respectfully refers all matters of law alleged in paragraph "3" of the Complaint to this Honorable Court.
2. Denies each and every allegation contained in paragraph numbered "2" of the Complaint except defendant admits that he is a dentist who works in the Town of Newburgh within this judicial district.
3. Lacks information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs numbered "1", "15" of the Complaint.
4. Admits each and every allegation contained in paragraphs numbered "4" and "5" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

5. That this Court lacks subject matter jurisdiction over the issues raised herein.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

6. The complaint in its entirety, and each cause of action contained therein, fail to state a cause of action.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

7. That if the plaintiff sustained any damages as alleged, such damages were caused, in whole or part, by plaintiff's own fault and negligence.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

8. That the plaintiff failed to mitigate her damages.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

9. That the defendant was entitled to terminate plaintiff's employment for non-discriminatory reasons and reasons other than those alleged by plaintiff due to an at-will employment relationship between the plaintiff and the defendant.

AS AND FOR AN SIXTH AFFIRMATIVE DEFENSE

10. That the plaintiff was not qualified and did not satisfactorily perform her job.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

11. That the plaintiff was not terminated under circumstances giving rise to an inference of discrimination.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

12. That the plaintiff failed to exhaust all administrative remedies available to her prior to commencement of this action.

WHEREFORE, the defendant respectfully requests judgment dismissing the complaint, granting the costs and disbursements of this action, and for such other and further relief as to this Court may seem just and proper.

Dated: Newburgh, New York
August 31, 2007

s/ Adam Garth
By: Adam Garth (AG 8970)
LARKIN, AXELROD, INGRASSIA & TETENBAUM, L.L.P.

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